

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUDITH FONSECA

v.

C.A. NO: 04-11870 WGY

BROOKS PHARMACY, INC. and
MC WOONSOCKET, INC.

ANSWER

JURISDICTION

Plaintiff's allegations regarding jurisdiction are denied.

COUNT I

AS AGAINST BROOKS PHARMACY, INC. IN WARRANTY

1. Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., are without sufficient knowledge to form a belief as to the truth of the allegations of this paragraph of Plaintiff's Complaint and leave Plaintiff to her proof.

2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.

WHEREFORE, Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., demand judgment in their favor and that Plaintiff's Complaint be denied and dismissed, plus costs.

COUNT II

AS AGAINST BROOKS PHARMACY, INC. IN NEGLIGENCE

1. Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., are without sufficient knowledge to form a belief as to the truth of the allegations of this paragraph of Plaintiff's Complaint and leave Plaintiff to her proof.

2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.

7. Denied.
8. Denied.
9. Denied.

WHEREFORE, Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., demand judgment in their favor and that Plaintiff's Complaint be denied and dismissed, plus costs.

COUNT I

AS AGAINST MC WOONSOCKET, INC. IN WARRANTY

1. Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., are without sufficient knowledge to form a belief as to the truth of the allegations of this paragraph of Plaintiff's Complaint and leave Plaintiff to her proof.

2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.

WHEREFORE, Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., demand judgment in their favor and that Plaintiff's Complaint be denied and dismissed, plus costs.

COUNT II

AS AGAINST MC WOONSOCKET, INC. IN NEGLIGENCE

1. Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., are without sufficient knowledge to form a belief as to the truth of the allegations of this paragraph of Plaintiff's Complaint and leave Plaintiff to her proof.

2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.

WHEREFORE, Defendants, Brooks Pharmacy, Inc. and MC Woonsocket, Inc., demand judgment in their favor and that Plaintiff's Complaint be denied and dismissed, plus costs.

AFFIRMATIVE DEFENSES

1. This Court lacks jurisdiction over the parties.
2. This Court lacks diversity jurisdiction over the parties because the amount in controversy does not exceed \$75,000.00.
3. Plaintiff's Complaint is barred by the applicable statute of limitation.
4. Plaintiff's injuries or damages, if any, were caused by Plaintiff's comparative negligence which exceeds the negligence, if any, of the Defendants.
5. Plaintiff assumed the risk of her injuries.
6. Plaintiff's Complaint fails to state a claim upon which relief may be granted against Defendant Brooks Pharmacy, Inc. and MC Woonsocket, Inc.

DEFENDANTS DEMAND TRIAL BY JURY

MICHAEL R. DE LUCA, B.B.O. NO. 639509, IS DESIGNATED AS TRIAL COUNSEL.

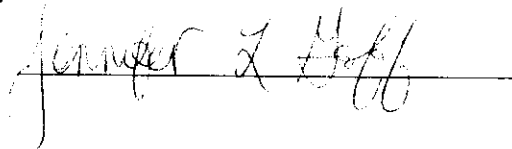
Defendants,
By their Attorneys:

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CERTIFICATION

John M. Sahady, Esq.
Sahady Associates, PC
399 North Main Street
Fall River, MA 02720

I hereby certify that a true copy of the within was served by mail upon counsel of record, as above, on the 12 day of November, 2004.



Handwritten signature of Jennifer A. Hoff over a horizontal line.